



Federal Government to Investigate Alleged Civil Rights Violations in Durham Public Schools

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DURHAM, N.C. - The U.S. Department of Education's Office for Civil Rights ("OCR") is investigating whether Durham Public Schools ("DPS") imposes discriminatory school discipline against Black students and students with disabilities, in violation of Title VI of the Civil Rights Act and Section 504 of the Rehabilitation Act of 1973. The investigation, which was officially opened earlier this month, is in response to a formal complaint filed with OCR earlier this year by two advocacy groups.

Advocates for Children's Services ("ACS"), a project of Legal Aid of North Carolina, and the Center for Civil Rights Remedies at the Civil Rights Project of UCLA ("CRP") filed the OCR complaint against DPS in April, exposing the district's overreliance on out-of-school suspension, which disproportionately harms Black students and students with disabilities. The complaint was filed on behalf of all DPS students who are unjustly harmed by the district's suspension policies, including two Black students with disabilities whose experiences were described in the complaint.

The complaint revealed that DPS suspends Black students at more than four times the rate of White students. The data within the complaint shows the trend is growing since DPS' suspension rates increased by approximately one-third over the last two years.

"We are glad that OCR is taking this complaint seriously," said Peggy Nicholson, an attorney with ACS. "DPS' discriminatory discipline practices, whether intentional or not, have devastating effects on students, families, and our entire community. This needs to be fully investigated so that Durham can begin to develop a systemic solution that adequately addresses this discrimination and reduces the use of harmful and unnecessary suspensions."

During the investigation, OCR acts as a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the district, and other sources. OCR officials can also make in-person visits to school districts. At any time during the

investigation, DPS can express an interest in resolving the complaint and work with OCR to develop an agreement that addresses the allegations made in the complaint.

"In the best interests of Durham's students, we encourage DPS to collaborate with OCR and community stakeholders to remedy these violations. Simply by embracing policies and practices that are evidence-based and age-appropriate, DPS can improve student outcomes, both behaviorally and academically, and protect the rights of students," said Dan Losen, Director of the Center for Civil Rights Remedies at the Civil Rights Project. "Thankfully, [the DPS Board has stated](#) that they will cooperate with OCR given the seriousness of the issues raised in the complaint."

For a copy of the complaint, go to:

http://www.legalaidnc.org/Public/learn/media_releases/2013_MediaReleases/complaint-against-the-durham-public-school-district.pdf.

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***Advocates for Children's Services** is a statewide project of Legal Aid of North Carolina that serves children from low-wealth communities in education, Medicaid, and foster care cases. ACS fights for education justice and an end to the school push out crisis in North Carolina through legal advocacy, community education, and collaboration. For more information, visit www.legalaidnc.org/acs.*

***The Center for Civil Rights Remedies** is an initiative of the Civil Rights Project (CRP) at UCLA, which has been national in scope since its inception at Harvard Law School by Professors Christopher Edley Jr., and Gary Orfield. CRP brings high levels of research scholarship to bear on issues of racial injustice in education. For more information, go to: www.civilrightsproject.ucla.edu.*